

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANDREY PICINICH,

Plaintiff,

-against-

NASSAU COUNTY, NASSAU COUNTY POLICE
DEPARTMENT, NASSAU COUNTY POLICE
DEPARTMENT EMERGENCY AMBULANCE BUREAU,
NASSAU COUNTY POLICE OFFICER JOHN DOES #1-
10 (fictitiously named), NASSAU COUNTY POLICE
OFFICER AREVALO, NASSAU COUNTY POLICE
DEPARTMENT AMT DAVID REED, HELBERT A.
BONILLA, individually, JOHN DOES #1-10 (fictitiously
named), NASSAU COUNTY DISTRICT ATTORNEY, and
NASSAU COUNTY DISTRICT ATTORNEY JOHN DOES
#1-10 (fictitiously named),

Defendants.

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18-CV-2018 (ADS)(AKT)

**COUNTY DEFENDANTS’
RESPONSE TO
PLAINTIFF’S
STATEMENT OF
MATERIAL FACTS**

Defendants NASSAU COUNTY, NASSAU COUNTY POLICE DEPARTMENT,
NASSAU COUNTY POLICE DEPARTMENT EMERGENCY AMBULANCE BUREAU,
NASSAU COUNTY POLICE OFFICER AREVALO, NASSAU COUNTY POLICE
DEPARTMENT AMT DAVID REED, and NASSAU COUNTY DISTRICT ATTORNEY
(hereinafter collectively referred to as the “County Defendants”), by their attorney THOMAS A.
ADAMS, County Attorney of Nassau County, by Ralph J. Reissman, Deputy County Attorney,
hereby submit this response to plaintiff’s Statement of Material Facts filed December 5, 2022 [DE
107-1].

41. Plaintiff Andrey Picinich (“Picinich”) is a resident of the County of Nassau, State
of New York. At the time of the incident, he was 20 years old. Picinich suffers from a condition
sometimes referred to as pseudoseizure, psychogenic nonepileptic seizure. Plaintiff is unable to
communicate but can hear and feel and at times appears to display epileptic type behavior. *See*
NUMC ED Medical Records; Picinich Tr. 76-79; Luanne Picinich Deposition Transcript (“L.

Picinich Tr”). 9:16-15, 10-12. RESPONSE: Admit.

42. Non-party Luanne Picinich is Plaintiff Andrey Picinich’s mother. L.Picinich Tr., 7:14-16. RESPONSE: Admit.

43. Defendant Nassau County (“County”) is a municipal subdivision of the State of New York, duly existing by reason of and pursuant to the laws of the State of New York. Compl. ¶5. RESPONSE: Admit.

44. Defendant Nassau County Police Officer Arevalo (hereinafter referred to as “Arevalo”), is an individual and employee of Defendant County with an actual place of employment within the County of Nassau, State of New York and at all relevant times to the Complaint was acting under the color of state law. Compl. ¶10. RESPONSE: Admit.

45. Defendant Nassau County Police Department AMT David Reed (hereinafter referred to as “Reed”), is an individual and employee of Defendant NASSAU with an actual place of employment within the County of Nassau, State of New York and at all relevant times to the Complaint was acting under the color of state law. Compl. ¶11. RESPONSE: Admit.

46. Defendant Helbert Bonilla (hereinafter referred to as “Bonilla”), being sued in his individual capacity, was acting under the color of state law, is an employee of the State of New York with an actual place of employment within the County of Nassau, State of New York. Compl. ¶12. RESPONSE: Admit.

47. Defendant Bonilla found no evidence of alcohol or drugs in Picinich’s vehicle or his person. Bonilla Tr., 83, 84, 85. RESPONSE: Admit.

48. Defendant County does not provide training in regard to blood draws. Deposition Transcript AMT Robert Speer (“Speer Tr.”), 30:2-5. RESPONSE: Admit.

49. Defendant County does not provide training in regard to preservation, collection of

evidence or chain of custody of evidence. Speer Tr. 30:6-15. RESPONSE: Admit.

50. Defendant County does not provide its Emergency Ambulance Bureau personnel with any policies or procedures with regard to blood draw. Speer Tr., 27:3-7. RESPONSE: Admit.

Dated: Mineola, New York
December 16, 2022

THOMAS A. ADAMS
Nassau County Attorney
By: /s/ Ralph J. Reissman
Ralph J. Reissman
Deputy County Attorney
One West Street
Mineola, New York 11501
(516) 571-3046